

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS HAGAN	:	CIVIL ACTION
	:	
v.	:	
	:	
SEARS APPLIANCE AND HARDWARE	:	NO. 16-6461
STORE, et al.	:	

ORDER

AND NOW, this 2nd day of March, 2018, for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1) the motion of Defendants to exclude the testimony of Plaintiff's expert Dr. William Murphy (Doc. # 27) is DENIED;

2) the motion of Defendants to exclude the testimony of Plaintiff's expert Dennis Mitchell (Doc. # 28) is GRANTED in part and DENIED in part. The motion is granted except that Mr. Mitchell will be permitted to testify as an expert regarding the defect of the shoulder strap of the weedwacker as it relates to the amount of shear force that was applied to Plaintiff's cervical spine and caused his injuries, and the need for corresponding warnings related to the shoulder strap; and

3) the motion of Defendants for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure

(Doc. # 25) is DENIED on the ground that genuine disputes of material fact exist.

BY THE COURT:

/s/ Harvey Bartle III

J.